

REMARKS

1. In the above referenced Office Action, the Examiner rejected claims 11-13, 15-17, 40, 42-43, 45-47, 69-71 and 73-75 under 35 USC § 103 (a) as being unpatentable over Watts (U.S. Patent No. 6,324,694) in view of Shoff et al. (U.S. Patent No. 6,240,555); and claims 18-20, 41, 48-50 and 76-78 under 35 USC § 103 (a) as being unpatentable over Watts (U.S. Patent No. 6,324,694) in view of Shoff et al. (U.S. Patent No. 6,240,555); and claims 14, 44 and 72 under 35 USC § 103 (a) as being unpatentable over Watts (U.S. Patent No. 6,324,694) in view of Shoff et al. (U.S. Patent No. 6,240,555) and further in view of Pack (U.S. Patent No. 7,337,457).

Claims 11-20, 40-50 and 69-78 are currently pending in this application. Claims 11, 40 and 69 have been amended. The rejections above have been traversed and, as such, the applicant respectfully requests reconsideration of the allowability of claims 11-20, 40-50 and 69-78.

2. As discussed above, claim 11 was rejected under 35 USC § 103 (a) as being unpatentable over Watts (U.S. Patent No. 6,324,694) in view of Shoff et al. (U.S. Patent No. 6,240,555). Amended claim 11 includes the following:

“responsive to determining to supply the alternate content to the user of the interactive television service, sending the alternate content to a cache of the terminal device;
generating a hot key signal indicating availability of the alternate content; and
inserting the hot key signal into a content signal transmitted to the user from the interactive television service provider via a network with which the user and the interactive television service provider are connected;
wherein the hot key signal causes instructions to present for display an on-screen image overlaid on the video content, wherein the on-screen-image indicates availability of the alternate content, prior to displaying the alternate content that has been cached on the terminal device, and wherein selection of the on-screen image by the user results in the terminal device supplying the alternate content from the cache”

In setting forth the basis of the rejection, the Examiner looked to Watts for disclosure of the display of “an on-screen image overlaid on the video content”. As recited, the on-screen-image indicates availability of the alternate content, prior to displaying the alternate content that has been cached on the terminal device”, and further that the prior to displaying the alternate

content that has been cached on the terminal device. In addition, selection of the on-screen image by the user results in the terminal device supplying the alternate content from the cache.

Neither Watts nor Shoff nor any combination thereof, indicates availability of the alternate content, “prior to displaying the alternate content that has been cached on the terminal device”. Shoff indicates the availability of content that must be retrieved. Watts indicates content that it is currently displaying. Further, neither Watts nor Shoff nor any combination thereof, teaches the selection of the on-screen image by the user results in the terminal device supplying the alternate content from the cache (of the terminal device). For each of these reasons, claim 11 and claims 12-20 that depend therefrom, are patentably distinct from the prior art.

3. As discussed above, claims 40 and 69 were also rejected under 35 USC § 103 (a) as being unpatentable over Watts (U.S. Patent No. 6,324,694) in view of Shoff et al. (U.S. Patent No. 6,240,555). Claim 40 has been amended in a similar fashion to claim 11. For similar reasons as presented in conjunction with claim 11, claims 40 and 69 and claims 41-50 and 70-78 that depend therefrom, are patentably distinct from the prior art.

Conclusions

For the foregoing reasons, claims 11-20, 40-50 and 69-78 are in condition for allowance and Applicant respectfully request that they be passed to allowance.

The Examiner is invited to contact the undersigned by telephone or facsimile if the Examiner believes that such a communication would advance the prosecution of the present invention.

A request for continuing examination is concurrently filed herewith along with a credit card form authorizing payment of the associated fee. No additional fees are believed to be due.

The Commissioner is authorized to charge any fees that are required or credit any overpayment to Deposit Account No. 50-2126 (ATT02329).

RESPECTFULLY SUBMITTED,

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